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09/997,532	11/29/2001	SHAWN R. GETTEMY	PALM-3698	5478

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EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
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2814

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Response to Amendment

Applicants' response filed on August 06, 2008 has been entered and forwarded to the examiner on September 28, 2008.

Therefore claims 3-11, 14-22 and 25-32 as currently amended and claims 33 to 35 as presently newly added are currently pending in the application.

Claims 1-2, 12-13, 23-24 and 28 have been cancelled.

Information Disclosure Statement

To date no IDS has been filed in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

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Claims 33-35, 3-11,14 -22 25-27 and 29-35 are rejected under 35 U.S.C. 103(a) as being obvious over Mamiya et al. (U.S. Patent No. 5,764,322, herein after Mamiya) in view of AAPR (Applicants' applied Prior Art as seen at least from drawings figs. 1A-B and pages 1-4, etc.).

Kubo et al. (U.S. Patent No. 6,456,279 herein after Kubo).

(for response to Applicants' arguments- see section below).

With respect to claims 33 to 35 , Mamiya describes a display assembly comprising: a backlight device (Mamiya fig. 14, etc. , col. 8 lines 20-25) a light reflecting film; (Mamiya fig. 14., etc. # 116) and a reflective-type display (Cl.34- microstructure) comprising at least one pixel (Mamiya fig. 14 , col. 7 lines 35-40, col. 10 line 35) . Mamiya does not specifically mention a light conducting spacer.

However AAPR figs. 1A-B and page 7 lines 4 to 12 , etc. shows a light conducting spacer to maintain the distance between the top and bottom layers and yet are small enough to be indiscernible to a user, particularly when they are in a liquid.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include AAPR's spacer in Mamiya's device. The motivation for the above inclusion is to maintain the distance between the top and bottom layers and yet are small enough to be indiscernible to a user, particularly when they are in a liquid. (AAPR page 7).

The remaining limitations are :

The Limitation "operative to conduct light through said reflective-type display" these limitations recite the manner in which the claimed apparatus is intended to be employed.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

wherein said reflective-type display is located between said backlight device and said light reflecting film. (cl. 34- reflective microstructure) (AAPR figs. 1A , Mamiya figs.) and (Cl. 35) -a brightness enhancing film (BEF) located between said backlight device and said reflective-type display. (Mamiya co. 9 lines 10-39).

With respect to claims 3-4,14-15 and 26 describe the display assembly of Claim 1, wherein said backlight device is an electro-luminescent (EL) light device, LED (col. 10 lines 45-46).

With respect to claims 5 and 16 describe the display assembly of Claim 1, wherein said backlight device is a cold cathode fluorescent tube (CCFT).light device. (col. 10 lines 45-46).

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With respect to claims 6 and 17 describe the display assembly of Claim 1, further comprising a brightness enhancing film (BEF) disposed between said backlight device and said bottom surface of said reflective display and for directing light toward said light guide. (Col. 9 lines 10-39).

With respect to claims 7,8, 29, 18, 19,30 and 31 describes the display assembly of Claim 1., wherein said. reflective display is an electronic ink display and an electronic paper display. The limitations the reflective display is used as a electronic ink display and electronic paper display, these limitations recite the manner in which the claimed apparatus is intended to be employed. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

With respect to claim 10 describes the display assembly of Claim 1, wherein said light guide comprises a plurality of said light guides which enclose an area of said reflective display. (col. 7 lines 21-25).

With respect to claim 11 describes the display assembly of Claim 10, wherein said plurality of said light guides enclose a sub-pixel of said reflective display. (Mamiya Figure 14, col. 7 lines 35-40, col. 10 line 35).

With respect to claim 21 describes the display assembly of Claim 1, wherein said light guide comprises a plurality of said light guides which enclose an area of said reflective display. (Mamiya col. 1 lines 50-55).

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With respect to claim 22 describes the display assembly Claim 12, wherein said plurality of said light guides enclose a sub-pixel of said reflective display. (Mamiya Figure 14, col. 7 lines 35-40).

With respect to claim 25 Mamiya describes the display assembly of Claim 23, wherein said backlight device is an electro-luminescent (EL) light device. (Hirakata co1.3 lines 1 7-20, etc).

With respect to claim 27 Mamiya describes the display assembly of Claim 23, wherein said backlight device is a cold cathode fluorescent tube (CCFT) light device. (col. 10 lines 45-46).

With respect to claim 28 describes the display assembly of Claim 23, further comprising a brightness enhancing film (BEF) disposed above said backlight device and below said reflective display for directing light toward said plurality of light guides. (Col. 9 lines 10-39).

With respect to claim 32 describes the display assembly of Claim 23, wherein said plurality of light guides enclose a sub-pixel area of said reflective display. (Mamiya Figure 14, col. 7 lines 35-40).

Response to Arguments

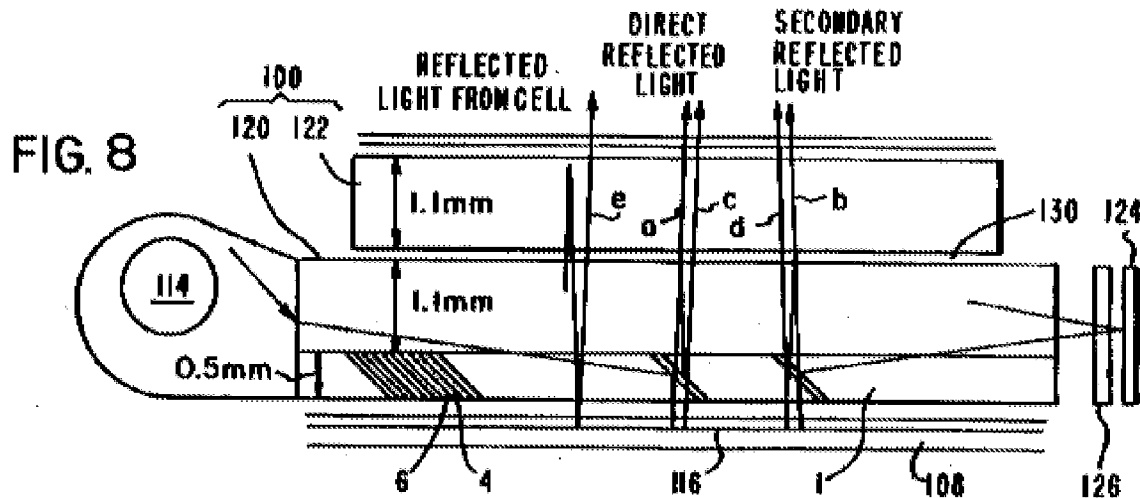
Applicant's arguments filed on August 06, 2008 have been fully considered but they are not persuasive for the following reasons :

It is noted that in view of the extensive changes to claims a new rejection was necessitated. Applicants' arguments are also moot.

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Applicants' first argument that Mamiya's teachings should be limited to reflective-type display is not persuasive because Mamiya also teaches reflective-type display e.g.

figure 8 :



Further Mamiya figs. ,col. 7 lines35-40 and col. 10 line 35, etc. describe reflective display comprising pixels and light conducting spacers are shown in AAPR.

Applicants' argument with respect to "embedded light guide" is moot as none of the present claims recite this feature.

Therefore all of the presently recited limitations of claims independent 33-35 are taught by the applied references as shown above.

Dependent claims 3-11,14-22,25-27 and 29-32 were alleged to be allowable because of their dependency upon allegedly allowable independent claims 33-35.

However as shown above independent claims 33-35 are not allowable, therefore dependent claims 3-11, 14-22, 25-27 and 29-32 are also not allowable.

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As previously stated, Applicants' arguments on pages 11-12 are not persuasive because contrary to applicants' contention the application of Masham case law is not dependent on use of certain specific words in the claims.

Therefore all pending Claims 3-11,14-22,25-27 and 29-35 are finally rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN H. RAO whose telephone number is (571)272-1718. The examiner can normally be reached on 8.30-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1714. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven H Rao/
Examiner, Art Unit 2814

/Howard Weiss/
Primary Examiner, Art Unit 2814